

Police Civilian Review Panel

December 2, 2020

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-20-30

Members Present:

Hansel Aguilar, Review Liaison

Hollye Doane, Subcommittee Chair

Rhonda VanLowe, Review Liaison

Others Present:

Rachelle Ramirez, OIPA

NOTE: The Panel’s subcommittee meeting was conducted electronically due to the COVID-19 Pandemic. The electronic meeting was hosted on WebEx and allowed for members of the public to virtually attend via WebEx or conference call.

The Initial Disposition Subcommittee was called to order at 5:30 p.m.

Motions to Conduct Electronic Meeting: Ms. Doane took roll call to verify a quorum of the Panel’s subcommittee was present and to ensure each subcommittee member’s voice could be heard clearly. She asked each subcommittee member to state their name and the location from which they were participating.

Mr. Aguilar was present and participated from Honduras in Central America.

Ms. Doane was present and participated from Oakton, Virginia.

Ms. VanLowe was present and participated from Reston, Virginia.

Ms. Doane moved that each member’s voice may be adequately heard by each other member of this Panel. The motion was seconded by Mr. Aguilar and it carried by unanimous vote.

Ms. Doane moved that the State of Emergency caused by the COVID-19 pandemic makes it unsafe for the subcommittee to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, FOIA’s usual procedures, which require the physical assembly of this Panel and the physical presence of the public, cannot be implemented safely or practically. She further moved that the subcommittee may conduct this meeting electronically through a dedicated WebEx platform and audio-conferencing line, and that the public may access this meeting by using the WebEx attendee access link or by calling 1-844-621-3956 and entering access code 173 464 3690 as noted in the Public Meeting Notice. The second to the motion was inaudible and it carried by unanimous vote.

Ms. Doane moved that that all matters addressed on the agenda are necessary to continue operations and the discharge of the Panel's lawful purposes, duties, and responsibilities. The second to the motion was inaudible and it carried by unanimous vote.

Completion of Initial Review Report for CRP-20-30:

Ms. Doane provided information on the incident underlying the complaint, which was a traffic accident involving two drivers. An FCPD officer arrived after the crash to investigate, spoke with both parties at the scene, and found that there were no injuries and minimal damage to both vehicles. The officer later determined that there was no probable cause to issue a traffic ticket. The complainant filed a complaint with police department and it was investigated. A request for review was received by the Panel in a voicemail from the Complainant.

Ms. Doane stated that the complainant's allegations included corruption, abuse of power, false statements, and cover up by a Fairfax County Police Department officer.

Discussion ensued on whether the allegations met the threshold for abuse of authority or serious misconduct.

Ms. Doane outlined two tiers for consideration of whether the Panel should conduct a review: Does the complainant allege serious misconduct or abuse of authority? If the answer is yes, are the allegations supported by the evidence in the investigative file? She stated that, in this case, she did not believe there was substantiation in the file of any of the allegations. And in regard to the officer not issuing a ticket and not finding probable cause, she does not think this rises to the level of a serious misconduct.

Ms. VanLowe said that she did not think the Panel should review because there was nothing in the investigation to support complainant's allegations. The complainant expressed concern that the other driver drove away, however, the file indicates that information was exchanged, facilitated by the officer. Ms. Doane added that the FCPD offered to assist the complainant in his desire to seek court action.

Mr. Aguilar expressed his concern over the level of analysis at the subcommittee level. He said he is unsure whether the conclusion of the file should be addressed at the subcommittee or the Panel level. He stated that he thought the allegations in this case would prompt the full Panel to look at the file, but agrees that the allegations are unsupported. The review would be easier if the complainant had expressed more of his concerns, particularly in writing.

Ms. Doane noted that the complainant's voicemail indicates that he may believe the Panel would investigate, which is often a misconception. She clarified that the Panel's role is to review police investigations, as it has not been granted the authority to investigate. The subcommittee is concerned with the scope of authority, which is whether it is an abuse of authority or serious misconduct.

Mr. Aguilar stated that the complainant did not allege that the officer failed to investigate the crash, which would be a serious abuse of authority. He said that he understood the complainant was dissatisfied with the conclusion of the officer's investigation of the incident. Ms. Doane expressed her agreement with this statement.

The subcommittee reviewed each of the criteria in the Initial Review Report checklist and found that none of the complainant's allegations met the criteria for abuse of authority or serious misconduct.

Ms. VanLowe moved that the full Panel should not review this file on CRP-20-30. Ms. Doane seconded the motion and it carried by unanimous vote.

Ms. Doane moved to adjourn the meeting. Ms. VanLowe and Mr. Aguilar both seconded the motion and it carried by unanimous vote.

The meeting adjourned at 5:51 p.m.